1995

State of Utah v. Marvin Jean Jaques : Brief of Appellee

Utah Court of Appeals

Margaret P. Lindsay; Utah County Public Defenders Association; Attorney for Appellant.
Joanne C. Slotnik; Assistant Attorney General; Jan Graham; Attorney General; David M. Cole; Deputy Utah County Attorney; Attorneys for Appellee.

IN THE UTAH COURT OF APPEALS

STATE OF UTAH,	:	
Plaintiff/Appellee,	:	
v.	:	Case No. 950384-CA
MARVIN JEAN JACQUES,	:	Priority No. 2
Defendant/Appellant.	:	

BRIEF OF APPELLEE

- - - - - - - -

APPEAL FROM A CONVICTION FOR UTTERING A FORGED PRESCRIPTION, A THIRD DEGREE FELONY, IN VIOLATION OF UTAH CODE ANN. § 58-37-8(4)(a)(iii) (Supp. 1995), IN THE FOURTH JUDICIAL DISTRICT COURT IN AND FOR UTAH COUNTY, UTAH, THE HONORABLE GUY R. BURNINGHAM, PRESIDING.

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Oral Argument Not Requested
Written Opinion Requested

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Oral Argument Not Requested
Written Opinion Requested

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v.	:	Case No. 950384-CA
MARVIN JEAN JACQUES,	:	Priority No. 2
Defendant/Appellant.	:	

BRIEF OF APPELLEE

JURISDICTION AND NATURE OF PROCEEDINGS

This is an appeal from a conviction for uttering a forged prescription, a third degree felony, in violation of Utah Code Ann. § 58-37-8(4)(a)(iii)(Supp. 1995). This Court has jurisdiction over the appeal pursuant to Utah Code Ann. § 78-2a-3(2)(f) (1995).

STATEMENT OF THE ISSUES ON APPEAL AND STANDARDS OF APPELLATE REVIEW

1. Did the trial court correctly determine that a non-expert witness whose familiarity with defendant's handwriting was not acquired for purposes of this litigation could authenticate defendant's handwriting pursuant to rule 901(b)(2), Utah Rules of Evidence?

The trial court's determination of whether a witness is qualified to testify under rule 901(b)(2) presents a legal question. Nonetheless, in reviewing this question, the appellate court should grant the trial court a considerable "measure of discretion" because of the highly fact-dependent nature of the determination. State v. Pena, 869 P.2d 932, 939-40 (Utah 1994).

2. Was the evidence sufficient to support the jury's verdict?

A criminal conviction based on a jury verdict will be reversed for insufficient evidence only when the evidence is "so inconclusive or so inherently improbable that 'reasonable minds must have entertained a reasonable doubt' that the defendant committed the crime." State v. Goddard, 871 P.2d 540, 543 (Utah 1994)(quoting State v. Petree, 659 P.2d 443, 444 (Utah 1983).

CONSTITUTIONAL PROVISIONS, STATUTES, AND RULES

Utah Rule of Evidence 901, governing the requirement of authentication or identification, provides in pertinent part:

> (a) **General provision.** The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.
>
> (b) **Illustrations.** By way of illustration only, and not by way of limitation, the

following are examples of authentication or identification conforming with the requirements of this rule:

> (2) **Nonexpert opinion on handwriting.** Nonexpert opinion as to the genuineness of handwriting, based upon familiarity not acquired for purposes of the litigation.

STATEMENT OF THE CASE

Defendant was charged by information with one count of uttering a forged prescription, in violation of Utah Code Ann. § 58-37-8(4)(a)(iii) (Supp. 1995) (R. 239). After prevailing on a motion to suppress the eyewitness identification testimony of three witnesses, defendant, acting pro se, was tried before a jury and convicted as charged (R. 304-05). He then filed this timely appeal (R. 311).

STATEMENT OF THE FACTS

On September 27, 1994, a black man entered the Art City Pharmacy in Springville and presented a prescription to be filled for "James Brooks" for "Percoceth," signed by "Dr. Darrel Olsen" (Tr. of 3/14/95 at 29, 42, 44; addendum A). Employee Vallorie Seitz, suspicious of the misspelling of the drug Percocet, alerted the pharmacist, who apparently called the police (Tr. 44-45). Before the police arrived, however, the man left the pharmacy.

According to another pharmacy employee, the man drove off in a small, compact, cherry red sports car (Tr. 49). The employee, presented at trial with two photos of a red Mazda MX-3 sports car owned by defendant, agreed that the photos were consistent with the vehicle he had observed driving away from the pharmacy (Tr. 51, 53).

Dr. Darrel Olsen, whose signature appeared on the prescription, did not sign the prescription, nor had he authorized anyone else to do so for him (Tr. 29). Dr. Olsen noted that prescription forms were routinely left in examination rooms in the clinics where he practiced, and that patients were often left unsupervised in those rooms (Tr. 32).

Dr. Kim Bateman, Olsen's partner, corroborated that the prescription forms were readily accessible to patients. Dr. Bateman had seen defendant as a patient on September 26, 1994, the day before the forged prescription was tendered at Art City Pharmacy (Tr. 70, 72). Prior to being examined by Dr. Bateman, defendant was left unsupervised in an examination room (Tr. 73).

Although defendant did not testify, he produced a writing sample under court order in the presence of a law enforcement officer (Tr. 54, 65, 66; addendum B). The State contended that defendant had tried to disguise his normal handwriting in the

sample and so produced a witness to authenticate other documents in defendant's handwriting for purposes of comparison with the Percocet prescription (Tr. 85, 94-95; addendum C).

Sherry Ragan, a deputy Utah County attorney, initially testified outside the presence of the jury.[1] She had become familiar with defendant's handwriting, both from letters he had written to her and from pro se motions he had filed in the course of previous litigation (Tr. 80-81).

Ragan first authenticated a letter defendant had written to her, observing that she had received it from defendant and that the content as well as the handwriting indicated that it was from him (Tr. 78, 81-82). Ragan then examined a letter written to David Cole, prosecutor in this case, and an envelope, also addressed to Cole. She recognized the handwriting on both documents as defendant's (Tr. 82-83). She also authenticated several other handwritten court documents filed by defendant (Tr. 83-84).

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[1] Defendant objected to her testimony as prejudicial, arguing that a jury was likely to infer past criminal behavior from the fact of his correspondence with a prosecutor. Accordingly, the trial court recessed the jury prior to hearing from Ragan. The court explained that it could thus consider the admissibility of Ragan's testimony as a matter of law under rule 901 without risking prejudice to defendant (Tr. 78).

The trial court then ruled: "Under rule 901, Ms. Ragan is a competent lay person who can give a non-expert opinion of handwriting" (Tr. 91). The court supported its ruling with oral findings of fact:

> I find that the circumstances which guarantee trustworthiness that these were written by you, the fact that they purported to give a recitation of events that occurred and came from an address that you were currently residing in, and that you addressed them to the court in some instances while representing yourself, and filed them with the court, then [sic] came from the address of the defendant, I think that it is reasonable that the circumstances of trustworthiness and circumstances guarantee that these are reasonably calculated to be trustworthy evidences of the defendant's handwriting. And so I will receive them.

(Tr. 95).[2]

The jury returned to the courtroom, and the State called its handwriting expert. The expert explained that 10-20 "points of identification" between a questioned handwriting sample and a sample known to be written by a particular individual were

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[2] The court explained to defendant that because it had determined as a matter of law that the authenticated documents were written by defendant, there would be no need to call Ragan as a witness before the jury unless defendant questioned the validity of the authentication by denying that he wrote the documents (Tr. 103-07). Defendant subsequently raised the issue, and Ragan, identified before the jury only as a "local attorney," testified briefly (Tr. 150-56).

necessary to establish a "highly probable or positive" identification that the two samples were written by the same person (Tr. 116). Because the three documents Ragan authenticated as written by defendant had 32 points of identification with the forged prescription, the expert concluded that they were positively written by the same hand (Tr. 131).

As to defendant's court-ordered writing sample, the expert observed, "I could tell there were definitely some capricious changes made. In other words, someone was fooling around with their slant and the way that they made things" (Tr. 133). Nonetheless, he stated, "We still leave things behind. We still leave points. And in going through it, I came up with -- I think it was around 18 to 20 points that I knew I had from this" (Tr. 133). He concluded that there was no question in his mind that the court-ordered sample and the forged prescription were written by the same person (Tr. 134, 148).[3]

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[3] The handwriting expert's detailed analysis before the jury focused on the three documents authenticated by Ragan rather than on the court-ordered sample. The expert stated that with all of the capricious changes in the court-ordered sample, it was easier to explain his technical analysis to lay persons using samples of "natural handwriting" (Tr. 134). His choice of comparison documents, however, did not detract from his unequivocal conclusion that the court-ordered sample was written by the same person who wrote the Percocet prescription (Tr. 134, 148).

Based on this evidence, the jury found defendant guilty, as charged, of uttering a forged prescription (R. 270).

SUMMARY OF ARGUMENT

Defendant contends that the trial court erred by allowing a non-expert witness to authenticate documents pursuant to rule 901(b)(2), Utah Rules of Evidence, because: 1) the witness never personally observed defendant write; 2) some of her familiarity the defendant's writing was acquired for purposes of this litigation; and 3) receipt of more than one letter is necessary to establish familiarity under the rule.

First, neither rule nor case law requires personal observation as a condition precedent to admitting testimony about the genuineness of handwriting. All that is required is "evidence sufficient to support a finding that the matter in question is what its proponent claims." Utah R. Evid. 901(1).

Second, the witness' familiarity was not acquired for purposes of this litigation. Defendant is confusing the witness's familiarity with defendant's handwriting gained from her past dealings with him in the course of other litigation with her authentication of documents that he wrote in the course of this litigation. Plainly, the witness was already familiar with defendant's handwriting when she authenticated the documents

related to this case.

Third, the degree of familiarity the witness has with defendant's handwriting goes to the weight of the evidence, not to its admissibility. All that is required for admissibility is familiarity sufficient to support a finding that the evidence is what the witness claims it is. Once the trial court makes the initial legal determination, it is the jury's job to weigh the evidence and assess its credibility.

Defendant also contends that the evidence was insufficient to prove beyond a reasonable doubt that he was the person who uttered the forged prescription. In essence, he complains that there was no direct evidence of his guilt. What he has ignored, however, are the many reasonable inferences that the jury could have drawn from the evidence before it. When the evidence and the inferences are considered, the evidence is not so inconclusive or so inherently improbable as to necessarily have created reasonable doubt that defendant committed the crime.

ARGUMENT

POINT ONE

THE TRIAL COURT CORRECTLY DETERMINED THAT A NON-EXPERT WITNESS, FAMILIAR WITH DEFENDANT'S HANDWRITING FOR PURPOSES OTHER THAN THIS LITIGATION, COULD AUTHENTICATE CERTAIN DOCUMENTS PURSUANT TO RULE 901(b)(2), UTAH RULES OF EVIDENCE

The gist of defendant's argument is that the trial court erred by allowing Sherry Ragan to testify as a non-expert witness because: 1) she had never personally seen defendant write; 2) some of her familiarity with defendant's writing was acquired for purposes of this litigation; and 3) receipt of more than one letter is necessary in order to establish familiarity with handwriting (Br. of App. at 13-14). To support these claims, defendant relies on rule 901(b)(2) and on State v. Freshwater, 85 P. 447 (Utah 1906).

Defendant's first assertion, that a witness must personally see an individual execute at least one writing in order to later authenticate another document, is unsupported by either Freshwater or rule 901. Freshwater stands for the "well-settled" rule "that writing *may* be proved by evidence of a witness who has seen the person write." Freshwater, 85 P. at 448 (emphasis added). That is, seeing a person write is one way of

establishing a degree of familiarity with that individual's handwriting sufficient to allow the authenticating witness's testimony to go to the jury. See E. Cleary, McCormick on Evidence §221, at 41 (4th ed. 1992)("Adequate familiarity may be present if the witness has seen the person write, or if he has seen writings *purporting* to be those of the person in question under circumstances indicating their genuineness"). Nowhere in Freshwater does the court require personal observation of handwriting as a condition precedent to testifying about the genuineness of handwriting.

Nor does rule 901 contemplate the requirement of personal observation. See, e.g., State v. Alson, 461 S.E.2d 687, 704 (N.C. 1995); People v. Williams, 653 N.E.2d 899, 906 (Ill. App. Ct. 1995); Mackey v. Irisari, 445 S.E.2d 742, 753 (W.Va. 1994). Indeed, all rule 901 requires is "evidence sufficient to support a finding that the matter in question is what its proponent claims." Utah R. Evid. 901(a).[4] "The rule does not erect a particularly high hurdle." United States v. Ortiz, 966 F.2d 707, 716 ((1st Cir. 1992), cert. denied, 506 U.S. 1063 (1993). Certainly, if the framers of the rule had intended a requirement

[4] Utah's rule 901 is the same as rule 901, Federal Rules of Evidence, from which it was plainly derived.

of personal observation, they would have explicitly included that either in the basic rule or in the illustrative examples.

Second, defendant claims that Sherry Ragan's familiarity with two of the three documents analyzed by the handwriting expert was acquired for purposes of this litigation. Therefore, he argues, because rule 901(b)(2) requires familiarity "not acquired for purposes of the litigation," the trial court erred in allowing Ragan to testify (Br. of App. at 14).

Ragan's familiarity with defendant's handwriting, however, was not acquired for purposes of this litigation. To the contrary, she acquired her familiarity with his handwriting over the course of two prosecutions that occurred sometime during the six or seven years preceding this litigation (Tr. 80-82). The two documents to which defendant objects, which were written by defendant to the prosecutor in this case, were not the basis for her familiarity. Rather, she was authenticating that defendant wrote them, based on her familiarity with his handwriting gained during prior prosecutions. Plainly, Ragan was already familiar with defendant's handwriting when she was asked to authenticate documents related to this case. Cf. People v. Cepeda, 851 F.2d 1564, 1566-67 (9th Cir. 1988)(witness' familiarity with handwriting gained only after defendant indicted and for sole

purpose of testifying at trial constituted a "clear violation" of rule 901(b)(2)).

Even assuming arguendo that defendant's second argument had merit, his third contention -- that Ragan's familiarity with the remaining document is insufficient to allow her to authenticate the handwriting -- would fail. Without any analysis, defendant baldly asserts that "familiarity with one letter is insufficient under Freshwater and Rule 901 to render [Ragan] competent to render nonexpert opinion. . . ." (Br. of App. at 14). Defendant's lack of any legal analysis is in itself a sufficient ground for refusing to consider this claim. State v. Amicone, 689 P.2d 1341, 1344 (Utah 1984).

But, even on the merits, Freshwater does not support defendant's interpretation of rule 901. In Freshwater, the court determined the threshold legal question of admissibility by holding that a witness who claimed to have seen defendant write once could testify that the letter she received was in his handwriting. The testimony then went to the jury, which was responsible for determining how much weight the testimony should be given and how much credibility to accord the witness, given the fact that the witness had seen defendant write only once. Freshwater, 85 P. at 448.

Thus, defendant's claim fails on the merits because he confuses the threshold issue of admissibility with the weight to be accorded evidence once the court has admitted it. See United States v. Binzel, 907 F.2d 746, 749 (7th Cir. 1990)(citing Rinker v. United States, 151 F. 755 (8th Cir. 1907))(noting that once a "minimal factual basis" for familiarity is presented, "the extent of the familiarity generally goes to the weight to be accorded the testimony, rather than to its admissibility"). All that is required for admissibility is familiarity sufficient to support a finding that the evidence is what the witness claims it to be. State v. Purcell, 711 P.2d 243, 245 (Utah 1985). "The rule requires only that the court admit evidence if sufficient proof has been introduced so that a reasonable juror could find in favor of authenticity or identification. The rest is up to the jury." 5 Jack B. Weinstein & Margaret A. Berger, Weinstein's Evidence § 901(a)[01] at 901-19 (1994). That is, once the court admits the evidence, it is the jury's job to weigh that evidence and determine its credibility. Thus, in this case, the number of documents that Ragan authenticated would go to the weight of the evidence, not to its admissibility.

In this case, the trial court correctly interpreted and applied rule 901(b)(2) of the Utah Rules of Evidence. In

addition, the court's findings underlying its legal determination are well-supported by the record evidence.[5] For these reasons, the trial court's decision to allow Sherry Ragan to testify as a non-expert witness whose familiarity with defendant's handwriting was not acquired for purposes of this litigation should remain undisturbed.

POINT TWO

THE EVIDENCE AND INFERENCES THAT MAY REASONABLY BE DRAWN FROM IT AMPLY SUPPORT THE JURY'S VERDICT THAT DEFENDANT WAS THE INDIVIDUAL WHO UTTERED THE FORGED PRESCRIPTION

Defendant asserts that the evidence was legally insufficient to convict him of uttering a forged prescription. Specifically, he argues that the State "failed to prove beyond a reasonable doubt that he was the person who did make or utter a forged prescription" (Br. of App. at 17-18).

In order to reverse a criminal conviction based on a jury verdict for insufficient evidence, this Court must determine that

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[5] Even if the trial court erred in allowing Ragan to authenticate the documents, the error was harmless. See, e.g. State v. Purcell, 711 P.2d at 244-45; Utah R. Evid. 103(a). The handwriting expert compared the Percocet prescription not only to the authenticated documents to which defendant objected, but also to the disguised court-ordered sample, concluding that the court-ordered sample was positively written by the same hand as the forged prescription (Tr. at 134, 148).

the evidence was "so inconclusive or so inherently improbable that 'reasonable minds must have entertained a reasonable doubt' that the defendant committed the crime." State v. Goddard, 871 P.2d at 543.

Defendant cites three facts that he believes must necessarily have created a reasonable doubt that defendant was the person who uttered the check: first, that Dr. Kim Bateman, who provided the only direct identification of defendant, identified him merely as a patient he had seen on September 26, 1994; second, that two pharmacy employees who saw the person in the pharmacy (one of whom also saw him drive off in a red sports car) only identified him as a "black man"; and, third, that no one saw defendant take a prescription pad from a clinic (Br. of App. at 18).[6]

In essence, defendant's argument is that there was no direct proof that defendant was the person who took the prescription form and later uttered the forged prescription. Direct proof,

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[6] In addition, with no authority whatsoever and directly contrary to the expert's record testimony, defendant asserts that the expert's "testimony that the prescription and the handwriting sample had 18-20 points of common identity is insufficient to establish identification" (Br. of App. at 18). Plainly, this Court need not even consider statements unsupported by either law and fact. State v. Pascoe, 774 P.2d 512, 514 (Utah App. 1989).

however, is not necessary to convict an individual of a crime. The law is well-settled that "circumstantial evidence alone may be competent to establish the guilt of the accused." State v. Tanner, 675 P.2d 539, 550 (Utah 1983), superseded on other grounds, State v. Walker, 743 P.2d 191 (Utah 1987).

In this case, there was overwhelming evidence from which a jury could reasonably infer that defendant was the person who uttered the forged prescription. See Sentencing Hearing of 4/1/95 at 39-45). The State presented evidence that prescription pads were routinely left in clinic examination rooms, that a clinic doctor examined defendant in one of these rooms the day before the prescription was tendered, that defendant was left unattended in the room prior to the examination, and that the doctor whose signature appeared on the prescription never signed or authorized anyone else to sign the prescription for him (Tr. 29, 32, 69, 70, 72, 73). A reasonable inference from this sequence of facts is that defendant had the opportunity to take a blank prescription form from the room.

Two pharmacy employees testified at trial that a black man tendered the forged prescription at the pharmacy (Tr. 44, 49). One employee testified that he saw the same man drive off in a compact, cherry red sports car that resembled photos of the

compact, cherry red sports car owned by defendant (Tr. 49-50). A reasonable inference from this testimony is that defendant may have been the individual who tendered the prescription.

A handwriting expert compared in detail the forged prescription with letters and an envelope written by defendant, finding 32 distinct handwriting "points of identification" in the forged prescription which were also present in the other documents (Tr. 124, 131). He testified that 10-20 points of identification were needed for a highly probable or positive identification, and positively stated that defendant wrote the prescription (Tr. 116-17).

The expert also reviewed the court-ordered sample produced by defendant prior to trial. He testified that although defendant had tried to falsify and disguise his handwriting in the sample, he was still able to locate 18-20 points of identification that matched the forged prescription (Tr. 133). Based on this analysis, he again opined that defendant wrote the prescription (Tr. 134).

Under the circumstances, the facts upon which defendant relies for his assertion that reasonable doubt must have existed -- facts which the State does not dispute -- are simply insufficient to create the level of improbability necessary to

reverse a jury verdict. Indeed, in combination with other the other facts cited, they are incriminating. The single fact that no one saw defendant actually take the prescription form does not create reasonable doubt in light of the overwhelming circumstantial evidence against defendant. In light of the appellate court policy affording "great deference" to jury verdicts, where, as here, there is "any evidence, including reasonable inferences that can be drawn from it," to support the jury's verdict, this Court's inquiry should end and the verdict should be affirmed. State v. Goddard, 871 P.2d at 543.

CONCLUSION

For the reasons stated, this Court should affirm defendant's conviction for uttering a forged prescription.

ORAL ARGUMENT

The State does not request oral argument in this case. However, because of the paucity of state case law dealing with handwriting authenticated pursuant to rule 901(b)(2), a full written opinion would be helpful.

RESPECTFULLY submitted this 29th day of February, 1996.

JAN GRAHAM
Attorney General

Joanne C. Slotnik

JOANNE C. SLOTNIK
Assistant Attorney General

CERTIFICATE OF MAILING

I hereby certify that two true and accurate copies of the foregoing brief of respondent were mailed first-class, postage prepaid, to Margaret P. Lindsay, Attorney for Appellant, Utah County Public Defenders Assoc., 40 South 100 West, Suite 200, Provo, Utah 84601, this 29th day of February, 1996.

Joanne C. Slotnik

ADDENDA

ADDENDUM A

Forged Prescription

SANPETE VALLEY HOSPITAL and MEDICAL CLINICS

Robert D. Armstong, M.D.
DEA No. AA2726365

Jan C. Jonson, PA-C
Physician Assistant - Certified

Kim A Bateman, M.D.
DEA No. AB6656409

Bruce Burnham, M.D.
DEA No. AB7577844

Darrel Olsen, M.D.
DEA No. BO2467947

Gene E. Speakman, M.D.
DEA No. AS1639826

835-3344

Manti Family Clinic ☐
159 North Main
Manti, UT 84642
835-9231

Ephraim Medical Clinic ☐
99 South Main
Ephraim, UT 84627
283-4076

Moroni Medical Clinic ☐
394 East 100 South
Moroni, UT 84646
436-8271

Mt. Pleasant Family Health Center ☒
1100 South Medical Drive
Mt Pleasant, UT 84647
462-3471

Name JAMES BROOKS Age 26

Address 950 E 3025 PROVO Date 8-26-94

℞ PERCOCETH #25 377-8744
9-19-68

5 5 / Q 4-6 H PRN

8.90
16.85

M.D.

☐ Dispense as written

Refill ___ times PRN NR

ADDENDUM B

Court-ordered Handwriting Sample

CMS 2-10-95

Springville Police Dept.
Springville, Utah

HANDWRITING SPECIMEN

Name: JEAN JACQUE	Case No.
Street Address: 1621 VILLAGE LN	Office
City: OREM / State: UT	Arthur Bob Charles: ARTHUR BOB CHARLES
Place of Birth	Don Edward Frank: DON EDWARD FRANK
Date of Birth / Age	George Henry Imig: GEORGE HENRY IMIG
Height: 200 / Weight: 59 / Build	John Kenneth Lamb: JOHN KENNETH LAMB
Color of Eyes: BROWN / Color of Hair: BLACK / Right or Left Handed: RIGHT	Mary Nan Olson: MARY NAN OLSON
Place of Employment (or last employment)	Paul Quentin Robert: PAUL QUENTIN ROBERT
Occupation or Trade: NONE / Social Security No.	Samuel Tom Umphrey: SAMUEL TOM UMPHREY
Name of Nearest Relative / Relation	Vernon Will Xavier: VERNON WILL XAVIER
Address	Yolanda Ziffman: YOLANDA ZIFFMAN
WRITE — DO NOT PRINT — CAPITAL AND SMALL LETTERS	1234 N. East Ave., S.W.: 123½ EAST AVE SW
A B C D E F G H I J	5678 S. West Blvd., N.W.: 5678 S WEST BLVD NW
K L M N O P Q R S T	9012 E. North Pl., S.E.: 9012 E NORTH PL SE
U V W X Y Z	3456 W. South St., N.E.: 3456 W SOUTH ST NE
a b c d e f g h i j	
k l m n o p q r s t	
u v w x y z	
1 2 3 4 5 6 7 8 9 10	

X. Jean Jacque

The above is a specimen of my handwriting prepared freely and voluntarily.

Date: ~~10~~ 2-10-95	Signature
Witnessed by	Examplars of (Print Name, First, Initial)
~~Date~~ Witnessed: 2-10-95	Year Born / Race / Sex

Springville Police Dept.
Springville, Utah

cms 2-10-95

HANDWRITING SPECIMEN

THE MONTHS OF THE YEAR

January JANUARY	May MAY	September SEPTEMBER
February FEBRUARY	June JUNE	October OCTOBER
March MARCH	July JULY	November NOVEMBER
April APRIL	August AUGUST	December DECEMBER

WRITE THE FOLLOWING NUMBERS

4321 4321	7882 7882	4679 4679	9010 9010
8675 8675	9237 9237	8453 8453	5583 5583
7197 7197	8076 8076	5814 5814	1585 1585

SPELL OUT THE FOLLOWING NUMBERS

One ONE	Seven SEVEN	Sixty SIXTY
Two TWO	Eight EIGHT	Fifteen FIFTEEN
Three THREE	Nine NINE	Twenty TWENTY
Four FOUR	Ten TEN	Thirteen THIRTEEN
Five FIVE	Eleven ELEVEN	Forty FORTY
Six SIX	Twelve TWELVE	Thirty THIRTY

ALIEN

TEACHER

HIGH SCHOOL

PEOPLE

QUICKLY

Signature Glen Kimball 2-10-95

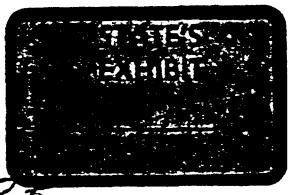
Witnessed by

Date Witnessed 2-10-95

ADDENDUM C

Authenticated Documents

ATTENTION TO DEPUTY ATTORNEY COUNTY DAVID COLE
100 ~~EAST~~ CENTER, SUITE 2100,
PROVO, UTAH 84606



PLEASE YOUR PROMPT RESPONSE WILL BE
A CRITICAL TIME FACTOR

#2

CHS 2-24-95
#1

To Deputy Attorney County David Cole
Thank you for your Compassionate, Integrity,
And your Loyality for the Law and for the
United State Constitution. Their is How ever
Another Exculpatory Materials, I Need From
you, The Circuit Court Transcripts of the Witness
Testimonies, Because It is Absolutely
Imperative that the Codefendant Accumulates
A Reasonable Defense With the Court Transcripts.

Jean Dieque 12-4-94

JURY TRIAL

MERIT, NOR YOUR SKILLS AS